

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:  KEVIN GEORGE SMITH and SARAH BETH SMITH,  Debtors.	Chapter 7 Bankruptcy Case No. 24-00638  <b>MOTION FOR ALLOWANCE AND PAYMENT OF ATTORNEY FEES (re: IDOR Settlement)</b>
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COMES NOW Simmons Perrine Moyer Bergman PLC (“Counsel”), and in support of this Motion, respectfully states:

1. Pursuant to Order from this Court, Counsel was appointed to serve the Trustee on a one-third contingent fee basis.
2. Now pending before the Court is a Motion to Approve Settlement relative to IDOR. If the settlement is approved, the Estate will receive the sum of \$36,500.
3. Pursuant to the contingent fee agreement, Counsel should be allowed and paid a fee of 33% x \$36,500, *i.e.* \$12,045.

WHEREFORE, Simmons Perrine Moyer Bergman PLC respectfully prays this Court on such notice and hearing as it may direct, enter and enroll an Order allowing Simmons Perrine Moyer Bergman PLC a Chapter 7 administrative expense claim in the amount of \$12,045, incurred while serving as attorney for the Trustee, and further authorizing the Trustee to pay the allowed fees from available funds on hand, at her discretion, and for such other relief as may be just and proper under the premises.

/s/ Eric W. Lam

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ATTORNEY FOR TRUSTEE

**Certificate of Service**

The undersigned certifies, under penalty of perjury, that on this 14<sup>th</sup> day of February, 2025, the foregoing document was electronically filed with the Clerk of Court using the U.S. Bankruptcy Court, Northern District of Iowa CM/ECF and the document was served electronically through the CM/ECF system to the parties of this case, and a copy of the instrument to which this certificate is attached was mailed via the United States mail with postage fully paid, to:

John Whiteman  
Assistant Attorney General  
1305 E. Walnut St.  
Des Moines, IA 50319

/s/ Kelly Carmichael

RHTE Smith/Pldgs/BA 24-00638/Drafts/Mtn for Fees - IDOR.021125.627.ewl

Eric W. Lam (EWL) is a member in the law firm of Simmons Perrine Moyer Bergman PLC. He received his law degree from the University of Iowa in 1982. He then served as a law clerk for Chief Justice Reynoldson of the Iowa Supreme Court, and for the late Judge Thinnies of the United States Bankruptcy Court for the Northern District of Iowa. He also served as a Chapter 7 Trustee for the Southern and Northern Districts of Iowa from 1990 through 2004.

He served as an Adjunct Professor of Bankruptcy Law at the University of Iowa College of Law, and as Chair of the Commercial and Bankruptcy Law Section Council of the Iowa State Bar Association as well as Chair of the Bankruptcy Section of the Federal Bar Association. He is a Fellow of the Iowa State Bar Foundation, and served on the Iowa State Bar Association Board of Governors from 1996 through 2000. In 2005, he was appointed to serve on the Iowa State Bar Association's Independent Standing Committee on Ethics and Practice Guidelines.

His articles have been published by the Iowa Law Review, Drake Law Review, Arizona State Law Journal, Brooklyn Journal of International Law, North Dakota Law Review, Hamline Law Review, as well as the American Bankruptcy Law Journal. Some of these articles have been cited in various court opinions, including *In Re: Louisiana World Exposition, Inc.* 832 F.2d 1391, 1399 (5<sup>th</sup> Cir. 1987); *In Re: Minoco Group of Companies, Ltd.*, 799 F.2d 517, 519 (9<sup>th</sup> Cir. 1986); *A.H. Robins Co., Inc. v. Piccinin*, 788 F.2d 994, 1001 (4<sup>th</sup> Cir. 1986); *Bank of America v. 203 No. LaSalle Street Partnership*, 195 B.R. 692, 704 (N.D. Ill. 1996); *In Re: Westport Transit Dist.*, 165 B.R. 93, 96 (Bankr. D. Conn. 1994); and *In the Matter of Pester Refining Co.*, 58 B.R. 189, 191 (Bankr. S.D. Iowa 1985). In 1992, the University of Iowa College of Law published his book "Bankruptcy in Iowa." Since 1992, Eric has been certified in Business Bankruptcy Law by the American Board of Certification. He is a Fellow of the American College of Bankruptcy.